

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility With Enhanced 911	)	
Emergency Calling Systems	)	

To: The Commission

**COMMENTS OF THE  
UNITED TELECOM COUNCIL**

The United Telecom Council ("UTC") hereby submits its Comments on the *Further Notice of Proposed Rulemaking* in the above-captioned proceeding.<sup>1</sup>

UTC supports the Commission's efforts to promote E911 capability for wireless and wireline systems, but the Commission should only adopt flexible rules or guidelines, if any, that would apply to multi-line systems (MLTS).<sup>2</sup> As it proposed in its 1994 Notice of Proposed Rulemaking,<sup>3</sup> the Commission should exempt

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<sup>1</sup> Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems, *Further Notice of Proposed Rulemaking*, CC Docket No. 94-102, FCC 02-326, 2002 WL 31654590 (2002).

<sup>2</sup> The Commission uses the phrase "multi-line telecommunications system" (or "multi-line system") to describe a set of phone systems that include: a private branch exchange (PBX), a Centrex telephone system, a key telephone system, and a hybrid telephone system. UTC uses the same terms and meanings herein.

<sup>3</sup> Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems, *Notice of Proposed Rulemaking*, CC Docket No. 94-102, 9 FCC Rcd. 6170, at ¶31 (1994) ("We do not propose to require manufacturers and suppliers to reregister grandfathered equipment or to reconfigure equipment that has been installed as of the effective date of this order.")(1994 Notice).

existing MLTS from any rules or guidelines, and should delay the effective date of any new rules to allow manufacturers a reasonable time to make, and their customers time to migrate to, systems that are E911-capable.

## **I. INTRODUCTION**

UTC is the national representative on communications matters for the nation's electric, gas, and water utilities, natural gas pipelines and other critical infrastructure industry ("CII") entities. Approximately 1,000 such entities are members of UTC, ranging in size from large combination electric-gas-water utilities that serve millions of customers, to smaller, rural electric cooperatives and water districts that serve only a few thousand customers each. Together with the Critical Infrastructure Communications Coalition ("CICC")<sup>4</sup>, UTC represents the telecommunications and information technology interests of virtually every utility, pipeline, railroad and other CI entity in the country.

Many of the members of UTC operate MLTS and would be affected by the proposal in this proceeding to require MLTS to provide E911 capability. These MLTS are part of extensive communications networks that CI entities use in support of their core businesses that provide essential services to the public at large. Utilities have invested millions of dollars in these systems, and would face a substantial technical and economic burden if they suddenly were required to meet E911 requirements. As such, UTC is pleased to have the opportunity to submit its comments on the Further NPRM.

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<sup>4</sup> The CICC is composed of the following organizations: The American Gas Association, the American Petroleum Institute, the American Public Power Association, the American Water Works Association, the Association of American Railroads, the Edison Electric Institute, the

**I. The Commission should not require existing MLTS operators to provide E911 capability.**

The Commission has invited comment on whether it should take action to promote E911 capability by manufacturers and operators of MLTS.<sup>5</sup> In this regard, it reiterated its previous conclusion that “the delivery of accurate location information and callback numbers is vital for a local emergency response service to be effective and is clearly in the public interest.”<sup>6</sup> UTC supports the Commission’s efforts to promote automatic number identification (ANI) and automatic location identification (ALI) by MLTS, but the Commission should closely examine the costs associated with the implementation of any E911 requirements on these systems.

Critical infrastructure industries (CII) are sensitive to the need for accurate location information and callback information for their MLTS. CII operate extensive private internal communications systems that support their core businesses. These private networks utilize MLTS in offices and plants and to provide interconnected service for private mobile radio services. These private networks are designed and operated to the highest standards of safety and reliability both to protect employees and the public at large that rely upon the essential service that CI entities provide. Therefore, requiring CI MLTS to provide ANI and ALI over their extensive private networks is no small task; CI

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Interstate Natural Gas Association of America, the National Association of Water Companies, the National Rural Electric Cooperative Association and UTC.

<sup>5</sup>*Further NPRM*, at ¶186.

<sup>6</sup>*Id.*

entities have adequate alternative means of facilitating effective emergency response.

UTC encourages the Commission to adopt flexible rules or guidelines for MLTS systems, in recognition that one size does not fit all. The Commission should start with a risk-cost assessment to develop deadlines that are reasonable under the circumstances. Different MLTS pose different levels of risk and cost. It is generally accepted that residential MLTS settings pose the most risk for callers and public safety officials responding to an emergency, and that the risk associated with business MLTS may be mitigated by the size of the business and by other factors.<sup>7</sup> Conversely, the cost of complying with E911 rules or guidelines may significantly outweigh the benefits for business MLTS, which could discourage growth and competition in the telecommunications marketplace.<sup>8</sup>

In order to achieve the appropriate balance between the need for 911 capability and the cost of implementing that capability by MLTS, UTC recommends that the Commission exempt existing MLTS, and that future MLTS

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<sup>7</sup> See *Letter from* James S. Blaszak, Counsel for the Ad Hoc Telecommunications Users Group, to William F. Caton, Acting Secretary, Federal Communications Commission (Apr. 1, 1997)(*Consensus Proposal*); See also *NENA Technical Information Document on Model Legislation: Enhanced 9-1-1 Multi-line Telephone Systems*, available at <http://www.nena.org> (visited Oct. 2, 2002) (*NENA Model E911 Legislation*).

<sup>8</sup>The Commission has recognized that it must balance the expectations of consumers to have access to 911 service with the need to continue to foster growth and competition in the telecommunications marketplace. *Further NPRM* at ¶ 2.

systems comply with any rules or guidelines within reasonable deadlines.<sup>9</sup>

Utilities have invested millions of dollars in MLTS that threaten to be stranded if these legacy systems needed to be replaced in order to comply with new rules or guidelines. The Commission wisely chose to avoid causing such undue hardship when it released its *1994 Notice* in which it specifically excluded existing PBX systems from any possible E911 requirements.<sup>10</sup> Now that the Commission has decided to refresh the record in this *Further NPRM*, UTC recommends that it allow existing business MLTS to continue to develop E911 capability.

## **II. The Commission should encourage uniform industry standards for E911 development.**

The Commission has invited comment on the *NENA Model E911 Legislation* drafted in 2000 by the National Emergency Number Association, and on the *Consensus Proposal* that was developed in 1997 by the “E911 Consensus Group”. The NENA E911 Model Legislation would have the Commission modify portions of its Part 68 rules to codify certain changes and encourage industry to develop generally applicable standards for the states to adopt.<sup>11</sup>

Under the NENA E911 Model Legislation, business MLTS would be required to provide an emergency response location (ERL) which provides a minimum of the building and floor location of the caller, or an ability to direct

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<sup>9</sup>UTC notes that the *Consensus Proposal* and the *NENA Model E911 Legislation* both propose that business MLTS systems that are installed within 2 years of the effectiveness of an FCC decision be 911 compliant no more than 7 years thereafter. PBX systems typically are used for more than 7 years, so even a 7-year window may force utilities to change out systems early.

<sup>10</sup> *1994 Notice* at ¶ 31.

response through an alternative and adequate means of signaling by the establishment of a private answering point, or a connection to a switchboard operator, attendant or a designated individual which provides for the establishment of Local Notification capability.<sup>12</sup> The NENA E911 Model Legislation would take effect 6 months after enactment where E9-1-1 MLTS support service is available; would require MLTS installed two years or more after the effective date of the Act to comply upon installation; and would require existing systems, or those installed within two years of the effective date of the Act to comply within 7 years after the effective date of the Act.<sup>13</sup> The NENA E911 Model Legislation would exempt MLTS in areas without E911 service; certain non-dispersed MLTS with a single ERL and less than 49 stations; and MLTS that employ alternative methods of E911 support, as well as MLTS wireless telephones, IP telephones and IP based MLTS.<sup>14</sup>

The Consensus Proposal recommends uniform federal rules for MLTS E911 capability. It would establish three levels of business MLTS rules. Level One business locations would include MLTS serving a single building of 40,000 square feet of workspace or less, and would not be required to associate more than one ANI/ALI with such systems. Level Two business locations would include MLTS serving a single location of more than 40,000 square feet of workspace, and would be required to associate one distinctive ANI/ALI per

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<sup>11</sup> *Further NPRM* at ¶ 88.

<sup>12</sup> *NENA E911 Model Legislation*, at § 3.

<sup>13</sup> *Id.* at § 13.

<sup>14</sup> *Id.* at § 11.

40,000 square feet of workspace, unless the building served by the MLTS provides alternative and adequate means of signaling and responding to emergencies during ordinary work hours. Level Three business locations would include MLTS serving multiple business locations of a single employer with separate public street addresses (e.g., “off-premises extension,” or “OPX”) or MLTS serving shared business tenants in a common building. Level Three MLTS would be required to meet one of two standards of compliance. For an MLTS serving multiple business locations of one employer with separate street addresses, the MLTS would be required to associate one distinct ALI/ANI per 40,000 square feet of workspace for each separate building served by the MLTS, unless the building served by the MLTS maintains, at all times, alternative and adequate means of signaling and responding to emergencies. For an MLTS serving multiple business tenants at one location (i.e. shared tenant MLTS), the MLTS would be required to associate a distinct ANI/ALI for each separate business tenant served by the MLTS, unless the building served by the MLTS maintains, at all times, alternative and adequate means of signaling and responding to emergencies.

Similar to the *NENA E911 Model Legislation*, the *Consensus Proposal* would require Level Two MLTS installed within two years after the effective date of the FCC rules to comply within seven years of the effective date. However, Level Three MLTS installed within two years after the effective date of the FCC rules would need to comply within three years from the effective date. Both Level

]Two and Three MLTS that are installed two or more years after the effective date would be required to comply upon installation.<sup>15</sup>

If the Commission adopts rules or guidelines as outlined in the *Consensus Proposal* or the *NENA E911 Model Legislation*, UTC recommends that the Commission encourage uniform industry-led consensus standards for business MLTS compliance. Uniform standards that are developed by the industry are likely to reduce equipment costs and reflect the current state of technology. In order to promote development of telecommunications competition, UTC recommends that these standards be based upon consensus among operators and providers of MLTS and local exchange carriers. Local exchange carriers, in addition to MLTS operators should share the burden with bringing MLTS into compliance, particularly where they provide Centrex services. In order to encourage the development of new technologies, the Commission should not adopt rules or guidelines for new technologies at this time.

UTC disagrees with both the NENA E911 Model Legislation and the Consensus Proposal to the extent that they recommend that existing systems be required to be brought into compliance. However, if the Commission does adopt such a requirement, UTC would support the implementation schedule from the NENA E911 Model Legislation, which would provide for a uniform, seven-year deadline for all business MLTS systems. This deadline is preferable to the three-year deadline that the Consensus Proposal recommends for Level Three business MLTS.

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<sup>15</sup> See generally, *Consensus Proposal*.

UTC applauds both the NENA E911 Model Legislation and the Consensus Proposal for recognizing that alternative and adequate means of signaling and responding to emergencies negates the need for ANI and ALI. Utilities and pipelines have dispatch personnel that can direct emergency response by contacting the public safety answering point (PSAP). These personnel are trained and experienced in such matters, and already provide an alternative and adequate means of serving the function of E911 capability. The Commission should also bear in mind that utilities maintain secure locations, where location information alone would not serve to provide access to a caller. Alternatively, utility personnel already familiar with emergency procedures could provide the street address and phone number of the security station to the PSAP and simultaneously provide an alert to the security station for a building. The security station could then assist emergency response by directing it to the appropriate building. UTC requests that the Commission clarify that this would serve as an adequate alternative means of providing E911 capability.

In any event, the Commission should not impose ANI/ALI requirements beyond those recommended in the *NENA E911 Model Legislation* or the *Consensus Proposal*. Specifically, the Commission should not require operators of MLTS to provide ANI/ALI for the terminal equipment that originates the call. Such a requirement would pose significant technical obstacles and financial burdens that would far outweigh the benefit of having such functionality, which would entail configuring the MLTS to work with centralized automatic message accounting (“CAMA”) trunks, ISDN lines and in some cases adjunct equipment.

Instead, the Commission should allow MLTS to demonstrate compliance by providing the street address of the building associated with the MLTS. This would be consistent with the *Consensus Proposal* recommendation to provide a minimum of one ANI/ALI for business MLTS serving 40,000 square feet or less of workspace. As such, UTC would prefer this standard as compared to the *NENA E911 Model Legislation* recommendation to require businesses to provide ERL (i.e. ANI/ALI) for each floor as well as the address of a building that is served by MLTS.

**III. The Commission has the authority to require compliance with its E911 rules by manufacturers of multi-line systems.**

The Commission has invited comment generally on the Commission's authority to require compliance with its E911 rules by manufacturers of multi-line systems. The Commission notes that it has broad authority under Section 151 of the Communications Act to regulate the facilities used in conjunction with providing interstate communications in order to promote the safety of life and property through the use of wire and radio communications. Together with Section 154, the Commission used its authority under Section 151 to regulate telecommunications equipment manufacturers for 911 purposes. It asserts that MLTS are "customer premises equipment" and that the Commission has jurisdiction to regulate such "instrumentalities" based on sections 151 and 154.

UTC agrees that the Commission has the legal authority to require MLTS equipment manufacturers to provide E911 capability, however the Commission should refrain at this time from exercising its authority over manufacturers.

Manufacturers have a fundamental incentive to produce equipment that customers demand, and formal requirements imposed upon manufacturers may be unnecessary to provide MLTS operators with the equipment to bring their systems into compliance. UTC recommends that the Commission revisit such requirements if they appear to be necessary at a later time.

#### **IV. CONCLUSION**

WHEREFORE THE PREMISES CONSIDERED, UTC urges the Commission to exempt existing MLTS systems from E911 capability and permit systems that are installed after the effective date of any rules or guidelines that are adopted to comply with those rules within a reasonable time frame of at least 7 years after the effective date of the order. To the extent that the Commission does regulate MLTS, UTC also urges the Commission to adopt flexible rules or guidelines for compliance as described herein.

Respectfully submitted,

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